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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/649,778 | 08/28/2003 | Stefan Holz | 1454.1497 | 5851 |

21171 7590 01/05/2007
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| EXAMINER |
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ESCALANTE, OVIDIO

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| ART UNIT | PAPER NUMBER |
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2614

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/05/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/649,778

Applicant(s)

HOLZ ET AL.

Examiner

Ovidio Escalante

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's response filed on October 5, 2006. **Claims 1,3-10** are now pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent; except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,3-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Khakoo et al. US Patent 2003/0135569.

Regarding claim 1, Khakoo teaches a method of managing incoming messages in a communications system (abstract) comprising the steps of:

upon receipt of a message checking if a pre-defined availability status (step 310; fig. 3) allocated to a predetermined recipient of the call is activated, (abstract; fig. 2; paragraphs 0018,0022 and 0023);

upon activation of a pre-defined availability status applying a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0018,0020 and 0021); and

executing a message handling action associated with the activated availability status, (paragraphs 0023);

wherein the availability status is selectable for activation by the predetermined recipient of the call, (paragraph 0020).

Regarding claim 3, Khakoo, as applied to claim 1, teaches wherein only one availability status is activated at a time, (paragraph 0020).

Regarding claim 4, Khakoo, as applied to claim 1, teaches wherein any message is signalized and routed to the recipient by applying the filter rule relating to an availability status in which the recipient is prepared to receive messages, (paragraphs 0023 and 0024).

Regarding claim 6, Khakoo, as applied to claim 1, teaches wherein any message is forwarded to another pre-defined recipient by executing the message handling action, (fig. 11; paragraphs 0024 and 0025).

Regarding claim 7, Khakoo, as applied to claim 1, teaches wherein the message handling action comprises notifying the recipient of attempted communication by means of a message directed to a selected communication device allocated to the recipient, (paragraphs 0023 and 0024).

Regarding claim 9, Khakoo teaches an apparatus for managing incoming messages in a communications system (abstract) comprising:

means for checking, upon receipt of a message, if a pre-defined availability status allocated to a predetermined recipient of the message is activated, (paragraphs 0018,0022,0023);

means for applying, upon activation of a pre-defined availability status, a pre-defined filter rule to the message in accordance with the activated availability status, (paragraphs 0018,0020,0021); and

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means for executing a message handling action associated with the activated availability status, (paragraph 0023).;

wherein the availability status is selectable for activation by the predetermined recipient of the call, (paragraphs 0020-0021).

Regarding claim 10, Khakoo teaches a computer program product stored on a computer usable medium (abstract) comprising:

computer readable means for causing a computer to check, upon receipt of a message, if a pre-defined availability status allocated to a predetermined recipient of the call is activated, (paragraphs 0018,0022,0023);

computer readable means for causing the computer to apply, upon activation of a pre-defined availability status, a pre-defined filter rule to the message in accordance with the activated availability status, (paragraphs 0018,0020 and 0021); and

computer readable means for causing the computer to execute a message handling action associated with the activated availability status, (paragraph 0023);

wherein the availability status is selectable for activation by the predetermined recipient of the call, (paragraphs 0020-0021).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khakoo in view of Tiliks.

Regarding claims 5 and 8, Khakoo does not teach of wherein only messages from a predetermine set of sender are signalized and forwarded to the recipient and wherein the destination is associated with an entry in a personal scheduler.

In the same field of endeavor, Tiliks teaches wherein only calls/messages originating from a pre-determined set of callers are signalized and forwarded to the recipient by applying the filter rule, (paragraphs 0090 and 0097) and wherein the call is routed to a destination associated with an entry in a personal scheduler of the recipient, (fig. 11; paragraphs 0141 and 0145).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Khakoo by routing the messages to destination associated with an entry in a personal scheduler as taught by Tiliks so that the message recipient can easily change their schedule and rules for receiving messages and/or calls.

Response to Arguments

7. Applicant's arguments filed October 5, 2006 have been fully considered but they are not persuasive.

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Applicant contends that Khakoo does not teach “wherein the availability status is selectable for activation by the predetermined recipient of the call and/or message”. The Examiner respectfully disagrees.

Starting from paragraph 0020, Khakoo teaches that the presence database maintains information for each user which indicates whether or not a user is present at a certain device. Following to the next paragraph, Kahkoo states that the presence is update based on a detection of the “manual registration by the user”. Hence when the user manually registers with e.g. the instant messaging service, then the user is selectively activating the presence at the device and thus the presence database will reflect this information as taught in paragraph 0020.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any response to this action should be mailed to:

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 3:00PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Primary Patent Examiner
Group 2614
December 15, 2006

O.E./oe